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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,469	09/16/2003	Jan-Erik Ekberg	4208-4149	9618
27123	7590	11/29/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			BLOUNT, STEVEN	
			ART UNIT	PAPER NUMBER
			2668	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/662,469	EKBERG ET AL.	
	Examiner	Art Unit	
	Steven Blount	2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6 - 7 and 62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, "from an the" in line 3 is indefinite. In claim 62, "if the an" in line 4 is indefinite, the word "warless" is indefinite, and the sentence "determining if the application running in the nearby device and wireless device" is indefinite.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 4, 6, 8 – 11, 13, 15, 16, 18 – 22, 24 – 27, 29 – 30, and 48 - 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application 20020188657 to Traversat in view of U.S. Patent Application 20030061364 to Banerjee et al and U.S. patent application 20040002385 to Nguyen.

With regard to claim 1, Traversat et al teaches a Peer to Peer system with a memory (par 248 and 482); a processor (par 72); wherein the process of inquiring into

and receiving a response from a nearby wireless device is mentioned with respect to the discover service discussed on page 7, paragraph 89. An application is selected from a list of applications : see paragraph 88 and more particularly paragraph 96. Finally, with respect to the control parameter examined which is associated with the selected application, see par 89 line 4 and paragraph 86 generally, and also see the discussion of UUID's in paragraphs 75 and 96. Traversat et al does not, however, explicitly teach the discover service to comprise sending inquiry messages and receiving a response. Traversat et al also does not teach including a directory listing all applications resident in each device.

Banerjee et al teach the above missing limitation in figure 3B, steps 322 and 324. See also paragraph 34, and also note that Banerjee additionally teaches, like Traversat, listing the applications to be chosen from in paragraph 36.

Nguyen teaches in paragraph 110 that "To enable peer-to-peer information and application sharing, the enhanced DCU's 603, 604 and 605, may generate and regularly update directories listing information and applications stored on gaming devices connected to the gaming communication network, such as gaming software available for downloading from one gaming device to another." It is noted that the gaming devices are inclusive of hand held computers, as stated at the beginning of paragraph 110.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have had the discovery process of Traversat et al utilize sending inquiry messages and receiving a response, in light of the teachings of Banerjee, in order to provide an effective means for a device to join the ad-hoc network. It would have been

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further obvious to one of ordinary skill in the art at the time of the invention to have provided Traversat et al/Bannerjee with the capability of including a distributed application directory listing the applicants resident in each device in the ad-hoc network, in light of the teachings of Nguyen, in order to provide a means for facilitating the exchange of applications between wireless devices in an ad-hoc network.

With regard to claim 2, see paragraph 89 of Traversat et al for a discussion of the services offered.

With regard to claim 3, see paragraph 88 of Traversat et al (community applications), see also par 96 where "other services" may be accessed locally.

With regard to claim 4, see par 87 – 88 of Traversat et al for the matching applications, and also page 8 lines 4+ of Traversat et al for a discussion of the connections being formed and the application being launched. The examiner takes Official Notice that it is well known in the art to receive accept connections messages after a connection is formed.

With regard to claim 6, see the discussion of the services associated with the applications in paragraph 88 of Traversat et al.

With regard to claims 8 – 11 and 13, see the rejections above where all of the method steps are addressed in the rejection of the apparatus limitations.

With regard to claims 15 – 16, and 18, see the rejections above and note that it would be obvious to implement the process in computer software in order to insure its repeatability.

With regard to claims 19 – 22, see the rejections above where all of the apparatus limitations are discussed.

With regard to claims 24 – 27, again see the discussion of the rejection of the method claims above.

With regard to claims 29 – 30, see the rejections above and note that it would be obvious to implement the process in computer software in order to insure its repeatability.

With regard to claim 48, a “preferred application” is essentially a form of optimizing the list, wherein it is well known that optimizing a variable is an obvious matter of choice.

With regard to claim 49, note the discussion of the directory in Nguyen.

With regard to claim 50, see the discussion in paragraph 89.

With regard to claim 51, the discussion of the application in lines 6+ of paragraph 89 can be considered to be an application state.

With regard to claims 53 – 61, see the rejections in paragraph 3 above, and note that it would be obvious to include the application information in tables.

With regard to claim 62, see the rejection of claim 1.

5. Claims 5, 12, 17, 23, 28, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application 20020188657 to Traversat in view of U.S. Patent Application 20030061364 to Banerjee et al and U.S. patent application 20040002385 to Nguyen as applied above to claims 1 – 4, 6, 8 – 11, 13, 15, 16, 18 – 22, 24 – 27, and 29 – 30, and further in view of U.S. patent 6,757,713 to Ogilvie et al.

Traversat/Banerjee/Nguyen et al teach the invention as described above, but do not teach erasing the program when finished. This is taught in Banerjee. Note the use of the "self-removing message."

It would have been obvious to one of ordinary skill in the art at the time of the invention to have automatically erased the application program when finished in light of the teachings of Ogilvie et al in order to save on memory space.

6. Claims 7, 14, and 32 – 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application 20020188657 to Traversat in view of U.S. Patent Application 20030061364 to Banerjee et al and U.S. patent application 200400022385 to Nguyen as applied above to claims 1 – 4, 6, 8 – 11, 13, 15, 16, 18 – 22, 24 – 27, and 29 – 30, and further in view of U.S. Patent Application 20020129170 to Moore et al.

With regard to claims 7 and 14, Traversat/Banerjee et al teach the invention as described above, but do not teach prioritizing the entries prior to selection of the application. This is taught in Moore et al. See paragraph 37.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have prioritized the application list of Traversat/Banerjee et al in light of the teachings of Moore et al in order to provide an efficient means for the corresponding peer device to be able to select the most desirable application.

With regard to claims 32 – 47, see the rejections above where all of the limitations are discussed.

With regard to claim 52, it would be obvious to identify the preferred application

after detecting the ability to communicate with the other, nearby device.

Response to Arguments

7. Applicant's arguments filed 10/24/05 have been fully considered but they are not persuasive. The examiner notes that in paragraph 89 of Traversat, various services are provided including methods to share files and display results, wherein the use of parameters to signify these events would be obvious to one skilled in the art. Further, the use of parameters is shown in many of the figures, including figure 5. The examiner notes that a processor is taught in paragraph 72 of Traversat, and that the directory and applications of Nguyen would be obvious to have to operate under control of a processor in order to be able to "swap information and applications".

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Ajit Patel
Primary Examiner

SB

11/15/05